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**SUBSTITUTE HOUSE BILL 2946**

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**State of Washington                      59th Legislature                      2006 Regular Session**

**By** House Committee on Education (originally sponsored by Representatives P. Sullivan, Roach, Simpson, Shabro and McCoy)

READ FIRST TIME 02/07/06.

1            AN ACT Relating to record checks for employees and applicants for  
2 employment at bureau of Indian affairs-funded schools; and amending RCW  
3 28A.400.303 and 28A.400.305.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 28A.400.303 and 2001 c 296 s 3 are each amended to  
6 read as follows:

7            (1) School districts, educational service districts, the state  
8 school for the deaf, the state school for the blind, and their  
9 contractors hiring employees who will have regularly scheduled  
10 unsupervised access to children shall require a record check through  
11 the Washington state patrol criminal identification system under RCW  
12 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the  
13 federal bureau of investigation before hiring an employee. The record  
14 check shall include a fingerprint check using a complete Washington  
15 state criminal identification fingerprint card. The requesting entity  
16 shall provide a copy of the record report to the applicant. When  
17 necessary, applicants may be employed on a conditional basis pending  
18 completion of the investigation. If the applicant has had a record  
19 check within the previous two years, the district, the state school for

1 the deaf, the state school for the blind, or contractor may waive the  
2 requirement. Except as provided in subsection (2) of this section, the  
3 district, pursuant to chapter 41.59 or 41.56 RCW, the state school for  
4 the deaf, the state school for the blind, or contractor hiring the  
5 employee shall determine who shall pay costs associated with the record  
6 check.

7 (2) Federal bureau of Indian affairs-funded schools may use the  
8 process in subsection (1) of this section to perform record checks of  
9 their employees and applicants for employment.

10 **Sec. 2.** RCW 28A.400.305 and 2001 c 296 s 4 are each amended to  
11 read as follows:

12 The superintendent of public instruction shall adopt rules as  
13 necessary under chapter 34.05 RCW on record check information. The  
14 rules shall include, but not be limited to the following:

15 (1) Written procedures providing a school district, state school  
16 for the deaf, ~~((or))~~ state school for the blind, or federal bureau of  
17 Indian affairs-funded school employee or applicant for certification or  
18 employment access to and review of information obtained based on the  
19 record check required under RCW 28A.400.303; and

20 (2) Written procedures limiting access to the superintendent of  
21 public instruction record check data base to only those individuals  
22 processing record check information at the office of the superintendent  
23 of public instruction, the appropriate school district or districts,  
24 the state school for the deaf, the state school for the blind, ~~((and))~~  
25 the appropriate educational service district or districts, and the  
26 appropriate federal bureau of Indian affairs-funded schools.

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